

1, rule XXI, all points of order are reserved on the bill.

#### GENERAL LEAVE

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 2219.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

#### DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2012

The SPEAKER pro tempore. Pursuant to House Resolution 320 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 2219.

□ 1233

#### IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 2219) making appropriations for the Department of Defense for the fiscal year ending September 30, 2012, and for other purposes, with Mr. WESTMORELAND in the chair.

The Clerk read the title of the bill.

The CHAIR. When the Committee of the Whole rose on Wednesday, July 6, 2011, the bill had been read to page 161, line 12.

#### AMENDMENT NO. 13 OFFERED BY MR. COLE

Mr. COLE. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), add the following:

SEC. \_\_\_\_ None of the funds made available by this Act may be used by the Department of Defense to furnish military equipment, military training or advice, or other support for military activities, to any group or individual, not part of a country's armed forces, for the purpose of assisting that group or individual in carrying out military activities in or against Libya.

The CHAIR. The gentleman from Oklahoma is recognized for 5 minutes.

Mr. COLE. Mr. Chairman, this amendment is quite simple. It prohibits any funds in this bill from being used to conduct military operations in Libya, a place where I believe we are engaged in an illegal and certainly unauthorized conflict.

Mr. Chairman, I feel a little bit today like a lawyer with two very unpopular clients. One of them is Libya, and the other one is the United States Congress. But in this case, each one of them has an important point to make.

With respect to Libya, let me make it clear, I don't believe anybody in this Chamber supports Mr. Qadhafi, sup-

ports that regime, or wishes it well in any way. But Libya did not attack the United States of America. Libya did not attack any member of NATO. Libya has not allowed al Qaeda to operate with impunity out of its territory. A number of years ago, Libya turned over nuclear material to the United States.

Quite simply, however much we detest Mr. Qadhafi and his regime, we have no reason to be at war or conducting military operations in Libya. And, frankly, if we allow that situation to continue, I think we have to ask ourselves: Are we willing to attack any nation any time that we disagree with a regime that we don't like simply because the President chooses to do so?

More troubling than the attack on Libya, in my view, is the circumvention of this body, the United States Congress, and its warmaking authority under both the Constitution and the War Powers Act. Only Congress has the ability to authorize and fund military operations.

The administration consulted with NATO. The administration consulted with the United Nations. The administration consulted with the Arab League. It never, in any real sense, consulted with the Congress of the United States before beginning military operations in Libya.

Two weeks ago, this House made clear its opposition to the Libyan venture by refusing to authorize even the limited use of force. We should build on that by removing funding today.

Some may question whether or not this amendment is germane to this particular piece of legislation. Frankly, Mr. Chairman, I worked very carefully with the Parliamentarian on the language, and, more importantly, it's modeled after the famous Boland amendment of 1983 to the Defense appropriations bill that year that was approved by this body 411-0.

Some may argue, like the administration, that we really aren't engaged in hostilities in Libya. That simply is laughable. Attorneys at both the Department of Defense and the Department of Justice of this administration believe that our activity requires congressional authorization under the War Powers Act.

We've flown over a thousand combat sorties over Libyan airspace. We've launched 228 Tomahawk missiles. We've launched over a hundred Predators. We're refueling and supporting NATO aircraft that are engaged in attacking Libya every single day. If that's not war on our side of this situation, I can assure you that people on the other side consider it war and certainly consider it hostile.

The reality is we should not be engaged in military action of this level unless it's authorized and funded by the Congress of the United States.

In Libya, the President has, quite simply, overreached. However, in Congress, we have so far allowed him to do so. We've not authorized this activity.

There's not a single line in the Defense authorization bill or in this bill which actually funds this activity, and we ought to explicitly prohibit the President from concluding.

I think, like many in this body, this is a very important moment for the Congress of the United States. Whether or not we claim warmaking authority and exercise our power under the Constitution is really the issue here. You could be for the Libyan venture and still be able to support this legislation, or you could be against it.

At the end of the day, it's extraordinarily important that we stop the erosion of the warmaking authority and responsibility of the Congress of the United States, that we end this ill-advised adventure in Libya, and that we reassert the rightful place of this institution in conducting war and authorizing it and funding it.

With that, I yield back the balance of my time.

□ 1240

Mr. DICKS. Mr. Chairman, I rise in opposition to the amendment.

The CHAIR. The gentleman from Washington is recognized for 5 minutes.

Mr. DICKS. Before I begin, I want to say that I have great respect for Congressman COLE, who serves on the Defense Appropriations Subcommittee. He is one of our most thoughtful members.

The NATO-led mission to defeat Qadhafi and protect the people of Libya was undertaken in concert with a broad coalition of nations, including the Arab League, and it followed a resolution adopted in the United Nations Security Council authorizing "all necessary measures."

This amendment would end our involvement unilaterally. I believe this could materially harm our relationship with NATO, which is also playing a major role in this. We will undoubtedly require support in the future in our dealings with NATO, and we get support in Afghanistan today.

I do support a wider debate and greater oversight of the use and the costs of U.S. military forces engaged in the Libya operation, both in the defense and foreign affairs-related committees as well as here on the House floor. We should let the mission with our NATO allies continue so we can overthrow Qadhafi and protect the Libyan people.

I urge all my colleagues to vote "no" on this amendment.

I yield back the balance of my time. Mr. BURTON of Indiana. I move to strike the last word.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. BURTON of Indiana. The Constitution, Mr. Chairman, and the War Powers Act clearly say what the parameters are within which the President must act or follow: number one, a declaration of war; number two, a specific authorization; number three, a national emergency created by an attack